

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

Case Number 03-30085

In re:

Chapter 13

George J. Klauser

Lyn M. Klauser

RESPONSE TO MOTION FOR RELIEF FROM STAY

As and for their response to the motion for relief from the automatic stay filed by Deutsche Bank Trust Company Americas, fka Bankers Trust Company (hereinafter "movant"), the Debtors herein, respond as follows:

General Objection. The debtors object to every matter, item, and thing contained in the Motion for Relief from the Automatic Stay except as hereinafter otherwise admitted or qualified.

Specific Responses:

1-5. Admit, but deny that there are grounds for the motion or that the relief should be granted. Saxon Mortgage Services, Inc., is servicing the loan. (Hereinafter "Saxon".)

6-8. Admit.

9-10. Deny. Specifically deny that movant is entitled to any late fees, attorneys' fees or costs herein for this motion or any previous motion.

11. Admit.

12. Admit the first sentence, and deny the second sentence.

13. Deny.

14. Admit, but deny that the movant has any reason to be collecting a debt.

AFFIRMATIVE DEFENSES

1. Debtors have timely made all post-petition payments which they were required to make. Specifically, debtors have made the amount of post-petition payments they were notified to make for the payments due from and after February, 2003 through June, 2004. In fact, Debtors are current at this time, without the check No. 10676 returned by Saxon, through the payment due July 1, 2004.

2. The movant filed a claim in this case in the amount of \$16,707.68, of mortgage arrearage at the time of the case filing, which amount has been fully paid by the trustee.

3. The movant is owed no post-interest on the loan other than that which will accrue after July 1, 2004.

4. The debtors mailed to Saxon, what Saxon told them was their June payment in the amount of \$3,587.24 which was returned on June 22, 2004.

COUNTERCLAIM

1. The movant has been incorrectly applying the payments sent in by the debtors to movant.

2. The movant has been adding inappropriate late fees and other charges to the debtors' mortgage account.

3. The movant did not properly credit the payment from the Trustee to the movant. It never counted the payment towards the three pre-petition payments it was owed at the time of filing, and never applied any portion of the payment to the loan principal or the escrow account. In essence, it has been holding this payment in "limbo" and forcing the debtors to make up the pre-petition payments post-petition while it has received full payment on the loan. .

4. The movant has been not correctly handling the escrow account, and it is impossible to determine from calculations given the correct status of the escrow account.

5. The movant has not been charging interest correctly on the loan.

6. The movant charged the debtors for fees and costs in bringing a previous motion to lift the automatic stay when the debtors were not in default.

6. Confusion would be minimized if the movant were allowed to send the debtors notices of any fees, payments due, and regular notices in the ordinary course of business.

7. Saxon has been incorrectly reporting debtors prompt and early payments as "late" to credit reporting agencies, which has harmed and will harm debtors' ability to obtain loans, and has and will increase the interest rate on the loans.

WHEREFORE, debtors pray that this court:

1. Deny the relief sought by the movant.

2. Determine the proper amount of post-petition late fees from February, 2003, through December, 2003, and determining that there are no late fees or other charges due from debtors from and after November 18, 2003. .

3. Determine the proper debits from and credits to escrow account and the balance therein.

4. Determine the correct principal amount of the loan.

5. Determine that the correct amount of interest due on the mortgage as of July 1, 2004, is \$0.00.

6. Determine that debtors were not behind in their mortgage payments when the motion was served.

7. Determine that debtors were not behind in their post-petition mortgage payments when the previous motion was served.

8. Deny the movant its attorneys fees and costs in this matter.

9. Forbid the movant from adding any fees or costs to the mortgage since the date of the filing of the petition herein, including, but not limited to, fees and costs for the bringing of the last motion to lift stay, and fees and costs for this motion to lift the automatic stay.

10 Requiring the movant to show in detail how it applied the \$16,819.06 payment to the interest and principal of the mortgage, which payment the trustee mailed it on October 22, 2003, and movant applied as of December 18, 2003.

11. Modify the automatic stay to allow the movant to mail debtors notice of the annual adjustment of the interest rate, their escrow analysis, any fees or late charges, and any past due notices sent in the ordinary course of business.

12. Requiring Saxon Mortgage to show proof to the debtors that it reports the debtors as having made timely payments on the mortgage since the date of the filing of the petition, and that the mortgage has been current since November 1, 2003.

TESTIMONY

Pursuant to Local Rule 9013-2 (c), debtor states as follows:

In the event that testimony is required, debtor intends to call the following witness:

- a. George J. Klauser
8615 154th Street W
Savage MN 55378

George J. Klauser will testify in regard to all matters at issue and his testimony is expected to last no more than thirty minutes of time

- b. Lyn M. Klauser
8615 154th Street W
Savage MN 55378

Lynn M. Klauser will testify in regard to all matters at issue and her testimony is expected to last no more than thirty minutes of time.

Dated: June 30, 2004

TAX AND BANKRUPTCY, PLC

By: /s/ Kenneth E. Keate

Kenneth E. Keate

Attorney for Debtors

1102 Grand Avenue

St. Paul, Minnesota 55105

Telephone: (651) 224-5079

Attorney I.D.: 54173

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

Case Number 03-30085

In re:

Chapter 13

George J. Klauser

Lyn M. Klauser

AFFIDAVIT OF GEORGE J. KLAUSER

I, George J. Klauser, the debtor herein, hereby state under penalty of perjury as follows:

1. Since the filing of this petition, my wife and I have made all of our mortgage payments so that the movant has received the payments before the late fee date.
2. Since the date of filing, we have received two notices (attached hereto as Exhibits A-1 and A-2), telling us what our payments were to be. We have paid these amounts. (The circled amounts on the notices were added by me).
3. After the service of the motion, I requested a "Verification of Mortgage" from Saxon Mortgage, who is servicing the mortgage. They responded with what is attached hereto as Exhibit B. The notes on exhibit B were added by my attorney. The horizontal line shows the filing date.
4. The analysis is very difficult to understand, but it appears to myself and my attorney that the following happened:

- a. Saxon charged fees to the mortgage balance in January of 2003, and then credited them.
- b. We do not know what the \$1,090.31 credited 4 times, charged 4 times, credited 3 times, and then applied to escrow is.
- c. It appears that the \$3,587.36 payment received on February 10, 2003, is our February, 2003, payment.
- d. My attorney has marked each notice of "Reg Payment" on the analysis. This shows that we made each regular payment in the amount which we were told was due. It also appears that our monthly payment went up, but there is no indication that anyone ever told us that it went up.
- e. There are numerous small fees and credits which we cannot understand and do not know why they were charged or credited. There is a \$200 fee on October 8, 2003, and a \$475.00 fee on September 27, 2003, which we do not understand. We were never told to pay these.
- f. On December 18, 2003, the analysis shows the receipt of the trustee's payment of \$16,819.06, which the trustee mailed out on October 22, 2003. (See Exhibit C attached hereto, which is a printout of the Trustee's web site). However, Saxon did not reduce the principal amount of the mortgage at all, nor did it "count" the receipt of three payments. We cannot tell if any of this payment was credited to the escrow account or not.
- g. The analysis does not "restart" again on the filing of the Chapter 13. It shows the post-petition payments received from us applying to the payments

due pre-petition. Yet, when the analysis shows the receipt of the trustee's payment, it does not show that this is applied to any payment.

h. Even though we were current on the mortgage, the analysis continues to show late fees due of \$160.44 per month.

i. Assuming that the words "REG PAYMENT" mean a payment received from us, in the correct amount due, we have made 19 "REG PAYMENT"s since we filed the petition. We made 10 monthly payments from February, 2003, to November, 2003, inclusive, each in the amount of \$3,587.36.

j. We made 5 payments from December, 2003, through February, 2004, inclusive, each in the amount of \$3,807.34 each. The extra two payments were made pursuant to a motion to lift stay. It appears that Saxon was wrong then, just as they are now. We were NOT behind at the time of the last motion. In fact, as of December 18, 2003, we were current through the February, 2004, payment, and as of March 1, 2004, we were current through the May 1, 2004 payment.

k. It appears that once movant received the payment from the trustee, and did not credit us with making up any back payments, nor did it reduce the principal amount of the loan or apply any of the payment to the escrow account. Even though we were current, as a result of the misapplication of the payment from the trustee, Saxon then called us in "default" at the time it made the last motion. In fact, we were not in default.

l. We made 4 payments from March, 2004, through June, 2004, inclusive, each in the amount of \$3,807.27 each. These should have been credited to the June, 2004, thorough August, 2004, payments.

Jun 30 04 06:43p

Sent By: Keate Law Firm;

651 224 6619;

6/30/2004 4:16PM; Page 11/23

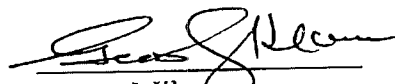
5. Saxon returned the payment we made in June, 2004, claiming that we were behind in our payments.

6. Saxon should be required to count us current now, though the payment due July 1, 2004. It has no right to the attorneys fees or costs for the last motion, since we were not in default, and has no right to any attorneys fees or costs in this motion. We do not owe them any interest. We have no reason to send them the check we sent them on June 10 (and they returned), and do not owe them any payments until August 1, 2004. There is no reason for them to have charged us any fees, or late charges, other than proper payments from our escrow account.

7. We believe that Saxon's incorrect reporting of our mortgage payment will cause us future credit problems, unless corrected.

Further Affiant Sayeth Not.

June 30, 2004


George J. Klauser

Jun 15 04 09:01p

George Klauser

952-226-4830

p.2



11/19/03

GEORGE KLAUSER
8615 W 154TH ST

SAVAGE MN 55378-2360

Re: Loan Number: 0011393887

Dear Mortgagor:

The interest rate of your adjustable rate mortgage loan (ARM) will be changed to 9.75000 % effective one month prior to 01/01/04. This change is in accordance with the terms of your mortgage.

Your loan's current interest rate is 9.75000%. This rate was based upon a previous index value of 0.00000%, plus a margin of 5.87500%, rounded to 0.12500%, resulting in a current principal and interest (P&I) payment of \$ 3208.94.

Your new interest rate of 9.7500% is based on a current index of 1.23000%, plus a margin of 5.8750%, rounded to 0.12500 %. Your new payment of \$ 3208.87 is derived from this interest rate, your projected principal balance of \$ 368894.89 and your loan's remaining term.

This P&I payment amount is effective 01/01/04. Your total payment, including applicable escrow deposits, will be \$ 3587.29. This payment amount will be reflected on your next monthly statement. Please be advised that any other transactions to your account could affect your new total payment amount.

Thank you for the opportunity to be of service. If you need additional information, please contact our Customer Service Center at 1-800-594-8422.

Sincerely,

Saxon Mortgage Services, Inc.

1216

EXHIBIT A-1

We are a debt collector. Any info

Jun 15 04 09:01p

George Klauser

952-226-4830

p.3



05/20/04

GEORGE KLAUSER
8615 W 154TH ST

SAVAGE MN 55378-2360

Re: Loan Number: 0011393887

Dear Mortgagor:

The interest rate of your adjustable rate mortgage loan (ARM) will be changed to 9.75000 % effective one month prior to 07/01/04. This change is in accordance with the terms of your mortgage.

Your loan's current interest rate is 9.75000%. This rate was based upon a previous index value of 1.23000%, plus a margin of 5.87500%, rounded to 0.12500%, resulting in a current principal and interest (P&I) payment of \$ 3208.87.

Your new interest rate of 9.7500% is based on a current index of 1.38000%, plus a margin of 5.8750%, rounded to 0.12500 %. Your new payment of \$ 3208.87 is derived from this interest rate, your projected principal balance of \$ 367599.22 and your loan's remaining term.

This P&I payment amount is effective 07/01/04. Your total payment, including applicable escrow deposits, will be \$ 3807.27. This payment amount will be reflected on your next monthly statement. Please be advised that any other transactions to your account could affect your new total payment amount.

Thank you for the opportunity to be of service. If you need additional information, please contact our Customer Service Center at 1-800-594-8422.

Sincerely,

Saxon Mortgage Services, Inc.

1216

EXHIBIT A-d

We are a debt collector. Any information obtained will be used for that purpose.

Jun 25 04 07:41a

p. 4



06/17/04

TO: George Klauser
8615 W 154th Street
Savage, MN 55378-2360

FAX:

Re: Loan Number: 0011393887 Borrower's Name: GEORGE KLAUSER

Dear Requestor:

Enclosed please find Verification of Mortgage you requested for the above homeowner.

Should you have any questions or concerns, please contact us at 1-800-594-8422 from 7:00am to 10:00pm, CST, Monday thru Friday and 8:00am to 2:00pm on Saturday.

Sincerely,

Yolanda R Garcia

Saxon Mortgage Services, Inc.

Encl.
258

EXHIBIT B

We are a debt collector. Any information obtained will be used for that purpose.

Saxon Mortgage Services, Inc. • 4708 Mercantile Drive North • Fort Worth, TX 76137-3605
P.O. Box 161489 • Fort Worth, TX 76161-1489 • (817) 665-7200 • Fax (817) 665-7400

Jun 25 04 07:42a

p. 5

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 1 of 7



1/6/03 *L. Lee*
Chapter 13.

DATE 6/17/2004
PAGE 1
LOAN NUMBER 11393887

MORTGAGOR MAILING ADDRESS
GEORGE KLAUSER

8615 W 154TH ST

SAVAGE MN 55378-2360
PROPERTY ADDRESS
8615 W 154TH ST

SAVAGE MN 55378-2360

PAYMENT INFORMATION		ORIGINAL INFORMATION		YEAR-TO-DATE	
P&I PAYMENT	3,208.87	ORIG BAL	373,500.00	INT PAID	14,977.69
ESCROW	598.40	ORIGINAL RATE	9.750	NEG AMORT	0.00
OPTIONAL INS	0.00	LOAN TERM	360	TAX PAID	2,645.00
BUYDOWN	0.00	FIRST DUE DATE	01/01/02	INT ON ESCROW	0.00
ASSISTANCE AMT	0.00	LOAN TYPE	CONV		
ANCILLARY	0.00	CURRENT RATE	9.750		
TOTAL PAYMENT	3,807.27			UNCOLLECTED BALANCES	
UNAPL FUNDS	4,135.19	NEXT DUE DATE	05/01/04	LATE CHARGES	1,925.31
		PAID TO DATE	04/01/04	FEES	762.45
				INTEREST	0.00

DETAIL BY TRANSACTION					
EFF DATE	TOTAL AMT	PRIN AMT	ESCROW AMT	FEE AMT	DESCRIPTION
PD TO DT	UNAPPLIED AMT	INT AMT	OPT AMT	LT CHG	PRIN BAL AFT
05/24/02	25.00	0.00	0.00	25.00	FEE POSTING
04/02	0.00	0.00	0.00	0.00	0.00
05/24/02	3727.68	179.99	197.84	0.00	REG PAYMENT
05/02	0.00	3028.95	0.00	320.90	372614.46
06/28/02	3567.23	181.45	197.84	0.00	REG PAYMENT
06/02	0.00	3027.49	0.00	160.45	372433.01
07/18/02	3567.23	182.92	197.84	0.00	REG PAYMENT
07/02	0.00	3026.02	0.00	160.45	372250.09
07/18/02	6.90	6.90	0.00	0.00	CURTAILMENT
07/02	0.00	0.00	0.00	0.00	372243.19
07/19/02	-3567.23	-182.92	-197.84	0.00	REVERSAL
06/02	0.00	-3026.02	0.00	-160.45	372426.11
08/05/02	-6.00	0.00	0.00	-6.00	
06/02	0.00	0.00	0.00	0.00	372426.11

Jun 25 04 07:42a

p. 6

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 2 of 7

08/06/02	-6.00	0.00	0.00	-6.00	
06/02	0.00	0.00	0.00	0.00	372426.11
08/07/02	-6.00	0.00	0.00	-6.00	
06/02	0.00	0.00	0.00	0.00	372426.11
08/21/02	6.00	0.00	0.00	6.00	FEE POSTING
06/02	0.00	0.00	0.00	0.00	372426.11
08/21/02	25.00	0.00	0.00	25.00	FEE POSTING
06/02	0.00	0.00	0.00	0.00	372426.11
08/21/02	142.91	0.00	0.00	0.00	
07/02	142.91	0.00	0.00	0.00	372426.11
08/21/02	3710.14	182.98	197.84	0.00	REG PAYMENT
07/02	142.91	3025.96	0.00	160.45	372243.13
09/05/02	-7.00	0.00	0.00	-7.00	
07/02	0.00	0.00	0.00	0.00	372243.13
09/23/02	-1780.00	0.00	-1780.00	0.00	
07/02	0.00	0.00	0.00	0.00	372243.13
09/24/02	3723.04	184.46	514.10	0.00	REG PAYMENT
08/02	0.00	3024.48	0.00	0.00	372058.67
10/28/02	985.25	0.00	0.00	0.00	
09/02	985.25	0.00	0.00	0.00	372058.67
10/28/02	4708.29	185.96	514.10	0.00	REG PAYMENT
09/02	985.25	3022.98	0.00	0.00	371872.71
11/06/02	-981.00	0.00	-981.00	0.00	
09/02	0.00	0.00	0.00	0.00	371872.71
12/03/02	15.90	0.00	0.00	15.90	FEE POSTING
09/02	0.00	0.00	0.00	0.00	371872.71
12/03/02	7.00	0.00	0.00	7.00	FEE POSTING
09/02	0.00	0.00	0.00	0.00	371872.71
12/03/02	-22.90	0.00	0.00	0.00	
09/02	-22.90	0.00	0.00	0.00	371872.71
12/03/02	-22.90	0.00	0.00	0.00	LC PYMT WAVD
09/02	-22.90	0.00	0.00	0.00	371872.71
12/04/02	-7.00	0.00	0.00	-7.00	
09/02	0.00	0.00	0.00	0.00	371872.71
01/15/03	7.95	0.00	0.00	7.95	FEE POSTING
09/02	0.00	0.00	0.00	0.00	371872.71
01/15/03	7.00	0.00	0.00	7.00	FEE POSTING
09/02	0.00	0.00	0.00	0.00	371872.71
01/15/03	-14.95	0.00	0.00	0.00	
09/02	-14.95	0.00	0.00	0.00	371872.71
01/15/03	-14.95	0.00	0.00	0.00	LC PYMT WAVD
09/02	-14.95	0.00	0.00	0.00	371872.71
01/23/03	-1090.31	0.00	0.00	0.00	
09/02	-1090.31	0.00	0.00	0.00	371872.71
01/23/03	-1090.31	0.00	0.00	0.00	LC PYMT WAVD
09/02	-1090.31	0.00	0.00	0.00	371872.71
01/23/03	1090.31	0.00	0.00	0.00	
09/02	1090.31	0.00	0.00	0.00	371872.71
01/23/03	1090.31	0.00	0.00	0.00	LC PYMT WAVD
09/02	1090.31	0.00	0.00	0.00	371872.71
01/23/03	-1090.31	0.00	0.00	0.00	
09/02	-1090.31	0.00	0.00	0.00	371872.71

Filing
Date

Jun 25 04 07:42a

p. 7

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 3 of 7

01/23/03	0.00	0.00	1090.31	0.00	LC PYMT WAVD	
09/02	-1090.31	0.00	0.00	0.00		371872.71
02/10/03	3747.81	0.00	0.00	0.00		
09/02	3747.81	0.00	0.00	0.00		371872.71
02/10/03	3747.81	0.00	0.00	0.00	LC PYMT WAVD	
09/02	3747.81	0.00	0.00	0.00		371872.71
02/10/03	-3587.36	0.00	0.00	0.00		
09/02	-3587.36	0.00	0.00	0.00		371872.71
02/10/03	-3587.36	0.00	0.00	0.00	LC PYMT WAVD	
09/02	-3587.36	0.00	0.00	0.00		371872.71
02/10/03	3587.36	187.47	378.42	0.00	REG PAYMENT	
10/02	0.00	3021.47	0.00	0.00		371685.24
03/14/03	3587.36	0.00	0.00	0.00		
10/02	3587.36	0.00	0.00	0.00		371685.24
03/14/03	3587.36	0.00	0.00	0.00	LC PYMT WAVD	
10/02	3587.36	0.00	0.00	0.00		371685.24
03/14/03	-3587.36	0.00	0.00	0.00		
10/02	-3587.36	0.00	0.00	0.00		371685.24
03/14/03	-3587.36	0.00	0.00	0.00	LC PYMT WAVD	
10/02	-3587.36	0.00	0.00	0.00		371685.24
03/14/03	3587.36	189.00	378.42	0.00	REG PAYMENT	
11/02	0.00	3019.94	0.00	0.00		371496.24
04/11/03	3587.36	0.00	0.00	0.00		
11/02	3587.36	0.00	0.00	0.00		371496.24
04/11/03	3587.36	0.00	0.00	0.00	LC PYMT WAVD	
11/02	3587.36	0.00	0.00	0.00		371496.24
04/11/03	-3587.36	0.00	0.00	0.00		
11/02	-3587.36	0.00	0.00	0.00		371496.24
04/11/03	-3587.36	0.00	0.00	0.00	LC PYMT WAVD	
11/02	-3587.36	0.00	0.00	0.00		371496.24
04/11/03	3587.36	190.53	378.42	0.00	REG PAYMENT	
12/02	0.00	3018.41	0.00	0.00		371305.71
04/14/03	-2496.00	0.00	-2496.00	0.00		
12/02	0.00	0.00	0.00	0.00		371305.71
06/09/03	3747.81	0.00	0.00	0.00		
12/02	3747.81	0.00	0.00	0.00		371305.71
06/09/03	3747.81	0.00	0.00	0.00	LC PYMT WAVD	
12/02	3747.81	0.00	0.00	0.00		371305.71
06/09/03	-3587.36	0.00	0.00	0.00		
12/02	-3587.36	0.00	0.00	0.00		371305.71
06/09/03	-3587.36	0.00	0.00	0.00	LC PYMT WAVD	
12/02	-3587.36	0.00	0.00	0.00		371305.71
06/09/03	3587.36	192.08	378.42	0.00	REG PAYMENT	
01/03	0.00	3016.86	0.00	0.00		371113.63
07/02/03	3587.36	0.00	0.00	0.00		
01/03	3587.36	0.00	0.00	0.00		371113.63
07/02/03	3587.36	0.00	0.00	0.00	LC PYMT WAVD	
01/03	3587.36	0.00	0.00	0.00		371113.63
07/02/03	-3587.36	0.00	0.00	0.00		
01/03	-3587.36	0.00	0.00	0.00		371113.63
07/02/03	-3587.36	0.00	0.00	0.00	LC PYMT WAVD	
01/03	-3587.36	0.00	0.00	0.00		371113.63

post-
paid
in
payment
Feb.

Mar.

Apr.

May.

Jun 25 04 07:42a

p. 8

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 4 of 7

07/02/03	3587.36	193.64	378.42	0.00	REG PAYMENT	370919.99	<i>June</i>
02/03	0.00	3015.30	0.00	0.00			
08/06/03	7.95	0.00	0.00	7.95	FEE BILLING	370919.99	
02/03	0.00	0.00	0.00	0.00			
08/08/03	200.00	0.00	0.00	200.00	FEE BILLING	370919.99	
02/03	0.00	0.00	0.00	0.00			
09/01/03	1.30	0.00	0.00	1.30	FEE CAPITALI	370919.99	
02/03	0.00	0.00	0.00	0.00			
09/01/03	0.12	0.00	0.00	0.12	FEE CAPITALI	370919.99	
02/03	0.00	0.00	0.00	0.00			
09/01/03	7.95	0.00	0.00	7.95	FEE BILLING	370919.99	
02/03	0.00	0.00	0.00	0.00			
09/03/03	-0.12	0.00	0.00	-0.12	FEES WAIVED	370919.99	
02/03	0.00	0.00	0.00	0.00			
09/03/03	-1.30	0.00	0.00	-1.30	FEES WAIVED	370919.99	
02/03	0.00	0.00	0.00	0.00			
09/11/03	0.00	0.00	0.00	0.00	LATE CHARGES	0.00	
03/03	0.00	0.00	0.00	-160.44			
09/11/03	3587.36	195.22	378.42	0.00	REG PAYMENT	370724.77	<i>July</i>
03/03	0.00	3013.72	0.00	0.00			
09/11/03	0.00	0.00	0.00	0.00	LATE CHARGES	0.00	
04/03	0.00	0.00	0.00	-160.44			
09/11/03	3587.36	196.80	378.42	0.00	REG PAYMENT	370527.97	<i>Aug.</i>
04/03	0.00	3012.14	0.00	0.00			
09/11/03	1215.86	0.00	0.00	0.00			
04/03	1215.86	0.00	0.00	0.00			
09/11/03	1215.86	0.00	0.00	0.00	LC PYMT WAVD	370527.97	
04/03	1215.86	0.00	0.00	0.00			
09/17/03	0.00	0.00	0.00	0.00	LATE CHARGES	0.00	
05/03	0.00	0.00	0.00	-160.44			
09/17/03	3587.36	198.40	378.42	0.00	REG PAYMENT	370329.57	<i>Sept.</i>
05/03	0.00	3010.54	0.00	0.00			
09/17/03	219.98	0.00	0.00	0.00	LC PYMT WAVD	370329.57	
05/03	219.98	0.00	0.00	0.00			
09/18/03	-2496.00	0.00	-2496.00	0.00			
05/03	0.00	0.00	0.00	0.00			
09/27/03	475.00	0.00	0.00	475.00	FEE BILLING	370329.57	
05/03	0.00	0.00	0.00	0.00			
10/06/03	7.95	0.00	0.00	7.95	FEE BILLING	370329.57	
05/03	0.00	0.00	0.00	0.00			
10/13/03	0.00	0.00	0.00	0.00	LATE CHARGES	0.00	
06/03	0.00	0.00	0.00	-160.44			
10/13/03	3587.36	200.01	378.42	0.00	REG PAYMENT	370129.56	<i>Oct.</i>
06/03	0.00	3008.93	0.00	0.00			
10/13/03	219.98	0.00	0.00	0.00			
06/03	219.98	0.00	0.00	0.00			
10/13/03	219.98	0.00	0.00	0.00	LC PYMT WAVD	370129.56	
06/03	219.98	0.00	0.00	0.00			
10/29/03	16819.06	0.00	0.00	0.00			
06/03	16819.06	0.00	0.00	0.00			
10/29/03	16819.06	0.00	0.00	0.00	LC PYMT WAVD	370129.56	
06/03	16819.06	0.00	0.00	0.00			

Jun 25 04 07:42a

p. 9

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 5 of 7

10/30/03	7.95	0.00	0.00	7.95	FEE BILLING	
06/03	0.00	0.00	0.00	0.00		370129.56
11/06/03	-1560.00	0.00	-1560.00	0.00		
06/03	0.00	0.00	0.00	0.00		370129.56
11/18/03	0.00	0.00	0.00	0.00	LATE CHARGES	
07/03	0.00	0.00	0.00	-160.44		0.00
11/18/03	3587.36	201.64	378.42	0.00	REG PAYMENT	
07/03	0.00	3007.30	0.00	0.00		369927.92
11/18/03	219.98	0.00	0.00	0.00		
07/03	219.98	0.00	0.00	0.00		369927.92
11/18/03	219.98	0.00	0.00	0.00	LC PYMT WAVD	
07/03	219.98	0.00	0.00	0.00		369927.92
11/19/03	-0.34	0.00	0.00	0.00		
07/03	-0.34	0.00	0.00	0.00		369927.92
11/19/03	-0.34	0.00	0.00	0.00	LC PYMT WAVD	
07/03	-0.34	0.00	0.00	0.00		369927.92
12/04/03	7.95	0.00	0.00	7.95	FEE BILLING	
07/03	0.00	0.00	0.00	0.00		369927.92
12/18/03	0.00	0.00	0.00	0.00	LATE CHARGES	
08/03	0.00	0.00	0.00	-160.44		0.00
12/18/03	3807.34	203.28	598.40	0.00	REG PAYMENT	
08/03	0.00	3005.66	0.00	0.00		369724.64
12/18/03	0.00	0.00	0.00	0.00	LATE CHARGES	
09/03	0.00	0.00	0.00	-160.44		0.00
12/18/03	3807.34	204.93	598.40	0.00	REG PAYMENT	
09/03	0.00	3004.01	0.00	0.00		369519.71
12/18/03	0.00	0.00	0.00	0.00	LATE CHARGES	
10/03	0.00	0.00	0.00	-160.44		0.00
12/18/03	3807.34	206.59	598.40	0.00	REG PAYMENT	
10/03	0.00	3002.35	0.00	0.00		369313.12
12/18/03	1876.89	0.00	1876.89	0.00	LC PYMT WAVD	
10/03	0.00	0.00	0.00	0.00		369313.12
12/18/03	0.00	0.00	0.00	0.00	LATE CHARGES	
10/03	0.00	0.00	0.00	481.35		0.00
12/18/03	481.35	0.00	0.00	0.00	LC PYMT WAVD	
10/03	0.00	0.00	0.00	481.35		369313.12
12/18/03	2927.42	0.00	0.00	0.00		
10/03	2927.42	0.00	0.00	0.00		369313.12
12/18/03	2927.42	0.00	0.00	0.00	LC PYMT WAVD	
10/03	2927.42	0.00	0.00	0.00		369313.12
12/18/03	-16818.72	0.00	0.00	0.00		
10/03	-16818.72	0.00	0.00	0.00		369313.12
12/18/03	-16818.72	0.00	0.00	0.00	LC PYMT WAVD	
10/03	-16818.72	0.00	0.00	0.00		369313.12
12/18/03	111.04	0.00	0.00	0.00		
10/03	111.04	0.00	0.00	0.00		369313.12
12/18/03	111.04	0.00	0.00	0.00	LC PYMT WAVD	
10/03	111.04	0.00	0.00	0.00		369313.12
12/31/03	0.00	0.00	0.00	0.00	LATE CHARGES	
11/03	0.00	0.00	0.00	-160.44		0.00
12/31/03	3807.34	208.27	598.40	0.00	REG PAYMENT	
11/03	0.00	3000.67	0.00	0.00		369104.85

Jun 25 04 07:42a

p. 10

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 6 of 7

02/03/04	0.00	0.00	0.00	0.00	LATE CHARGES	
12/03	0.00	0.00	0.00	-160.44		0.00
02/03/04	3807.34	209.96	598.40	0.00	REG PAYMENT	4001
12/03	0.00	2998.98	0.00	0.00		368894.89
02/03/04	-220.05	0.00	0.00	0.00		
12/03	-220.05	0.00	0.00	0.00		368894.89
02/03/04	-220.05	0.00	0.00	0.00	LC PYMT WAVD	
12/03	-220.05	0.00	0.00	0.00		368894.89
02/04/04	7.95	0.00	0.00	7.95	FEE BILLING	
12/03	0.00	0.00	0.00	0.00		368894.89
02/27/04	7.95	0.00	0.00	7.95	FEE BILLING	
12/03	0.00	0.00	0.00	0.00		368894.89
03/01/04	0.00	0.00	0.00	0.00	LATE CHARGES	
01/04	0.00	0.00	0.00	-160.44		0.00
03/01/04	3807.27	211.60	598.40	0.00	REG PAYMENT	1101
01/04	0.00	2997.27	0.00	0.00		368683.29
03/01/04	-219.98	0.00	0.00	0.00		
01/04	-219.98	0.00	0.00	0.00		368683.29
03/01/04	-219.98	0.00	0.00	0.00	LC PYMT WAVD	
01/04	-219.98	0.00	0.00	0.00		368683.29
03/30/04	7.95	0.00	0.00	7.95	FEE BILLING	
01/04	0.00	0.00	0.00	0.00		368683.29
04/05/04	0.00	0.00	0.00	0.00	LATE CHARGES	
02/04	0.00	0.00	0.00	-160.44		0.00
04/05/04	3807.27	213.32	598.40	0.00	REG PAYMENT	1401
02/04	0.00	2995.55	0.00	0.00		368469.97
04/05/04	-219.98	0.00	0.00	0.00		
02/04	-219.98	0.00	0.00	0.00		368469.97
04/05/04	-219.98	0.00	0.00	0.00	LC PYMT WAVD	
02/04	-219.98	0.00	0.00	0.00		368469.97
04/22/04	-2645.00	0.00	-2645.00	0.00		
02/04	0.00	0.00	0.00	0.00		368469.97
04/29/04	7.95	0.00	0.00	7.95	FEE BILLING	
02/04	0.00	0.00	0.00	0.00		368469.97
05/04/04	0.00	0.00	0.00	0.00	LATE CHARGES	
03/04	0.00	0.00	0.00	-160.44		0.00
05/04/04	3807.27	215.05	598.40	0.00	REG PAYMENT	1401
03/04	0.00	2993.82	0.00	0.00		368254.92
05/04/04	-219.98	0.00	0.00	0.00		
03/04	-219.98	0.00	0.00	0.00		368254.92
05/04/04	-219.98	0.00	0.00	0.00	LC PYMT WAVD	
03/04	-219.98	0.00	0.00	0.00		368254.92
05/28/04	7.95	0.00	0.00	7.95	FEE BILLING	
03/04	0.00	0.00	0.00	0.00		368254.92
06/03/04	3587.29	0.00	0.00	0.00	ITEM RECEIPT	
03/04	3587.29	0.00	0.00	0.00		368254.92
06/04/04	0.00	0.00	0.00	0.00	LATE CHARGES	
04/04	0.00	0.00	0.00	-160.44		0.00
06/04/04	3807.27	216.80	598.40	0.00	REG PAYMENT	1401
04/04	0.00	2992.07	0.00	0.00		368038.12
06/04/04	-219.98	0.00	0.00	0.00		
04/04	-219.98	0.00	0.00	0.00		368038.12

Jun 25 04 07:45a

p. 1

MortgageServ (DISPLAY/HIST/CUST LETTER) - Print Ready

Page 7 of 7

06/04/04	-3587.29	0.00	0.00	0.00	
04/04	-3587.29	0.00	0.00	0.00	368038.12

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Jun 25 04 07:41a



06/22/04

GEORGE KLAUSER
8615 W 154TH ST
SAVAGE MN 55378-2360

Re: Loan Number: 0011393887

To Whom It May Concern:

Because of one or more of the following reasons, your recent remittance had to be returned.

NO PERSONAL CHECKS - CERTIFIED FUNDS ONLY.

GEORGE J KLAUSER
LYN M KLAUSER
8615 W 154TH ST
SAVAGE, MN 55378-2360

10676

17-2/910 147

PAY TO THE
ORDER OF

BV 6/16/04
Saxon Mortgage
Three thousand five hundred eighty seven 29/100
\$3587.29
DOLLARS



usbank.com

FOR

11393887

⑆091000022⑆ 104773497615⑆0676

PAYMENT DOES NOT INCLUDE ACCRUED AND UNPAID LATE CHARGE BALANCE

TOTAL PAYMENT AMOUNT NOW DUE: \$
FOR THE MONTHS OF:

LOAN IS PAID IN FULL. PLEASE UPDATE YOUR RECORDS FOR FUTURE REFERENCE

☒ OTHER: funds are being returned per attorney.

If you have any questions, please call Customer Service at 1-800-594-8422.

Sincerely,

Payment Processing Department
Saxon Mortgage Services, Inc.

EXHIBIT D

We are a debt collector. Any information obtained will be used for that purpose.

Saxon Mortgage Services, Inc. • 4708 Mercantile Drive North • Fort Worth, TX 76137-3605
P.O. Box 161489 • Fort Worth, TX 76161-1489 • (817) 665-7200 • Fax (817) 665-7400

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

Case Number 03-30085

In re:

Chapter 13

*George J. Klauser
Lyn M. Klauser*

Debtor(s).

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

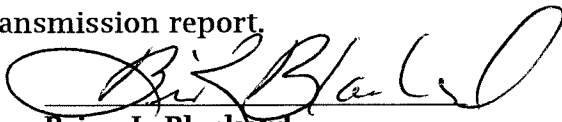
Brian L. Blackard, certifies under penalties of perjury of the laws of the United States, that on July 1, 2004 he served the attached Response to Motion for Relief and Affidavit of George Klauser upon those parties listed below, by placing a true and correct copy thereof in a facsimile machine, and to the parties listed below at their last known facsimile transmission numbers:

Mr. Lawrence P. Zielke
952-831-4734

Ms. Jasmine Z. Keller
Chapter 13 Trustee's Office
612-338-4529

Office of the U.S. Trustee
612-664-5516

Said transmissions were made from 651-224-6619, and receipt was verified with a transmission report.


Brian L. Blackard